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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/170,221	10/13/1998	WILLIAM LO	50100-463	6559

20277 7590 09/09/2002

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WASHINGTON, DC 20005-3096

EXAMINER

BURD, KEVIN MICHAEL

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 09/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/170,221

Applicant(s)  
LO

Examiner  
Kevin M. Burd

Art Unit  
2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 15, 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-11 and 16-19 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-11 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

1. This office action, in response to the amendment filed 7/15/2002, is a final office action.

### ***Response to Arguments***

2. The objection to the drawings is maintained.
3. Applicant's arguments filed 7/15/2002 have been fully considered but they are not persuasive.

Applicant states the neither Hayakawa nor Judd discloses a repeater. Judd discloses in figures 3 and 4, a signal is received via one of the 2-port elements and the data is then transmitted via the second port to the next downstream element until it is received by the proper element. This is the function of a repeater. Hayakawa discloses, in figure 2, a signal is received via one of the 2-port elements and the data is then transmitted via the second port to the next downstream element until it is received by the proper element.

Also, as stated in the previous rejections, "An error is detected in the received data (asserting a transmit error). When this occurs, receiving the data stops since there are errors present (deasserting a transmit enable). Following these steps, a request for retransmission is sent from the receiving apparatus. The data pattern of the request for

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retransmission will be known to all elements of the system. Data is transmitted throughout the system shown in figure 2. It is inherent that the data transmission has a destination address otherwise the data would not be received in its proper destination." this occurs in both Hayakawa and Judd. The specific passages where this information is found is stated below. The rejections to the pending claims are maintained.

### ***Drawings***

4. The drawings are objected to because the labels of the elements in figure 4 are illegible. Correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 7-11 and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayakawa (US 5,935,267).

Regarding claims 7-9, 11, 16 and 17, Hayakawa discloses a method of transmitting and receiving data. An error is detected in the received data (asserting a

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transmit error). When this occurs, receiving the data stops since there are errors present (deasserting a transmit enable). Following these steps, a request for retransmission is sent from the receiving apparatus. The data pattern of the request for retransmission will be known to all elements of the system. See column 13, lines 7-16 for details of the requirements for the request for retransmission to be sent. Data is transmitted throughout the system shown in figure 2. It is inherent that the data transmission has a destination address otherwise the data would not be received in its proper destination.

Regarding claim 10, the receiver will enter an idle state immediately after sending the request for retransmission since no data is to be received at this instant in time.

Regarding claims 18 and 19, Hayakawa discloses the transmission node can respond to each of the retransmission requests in the system (column 13, lines 7-16).

7. Claims 7-11 and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Judd et al (US 5,958,064).

Regarding claims 7-9, 11, 16 and 17, Judd discloses a method of transmitting and receiving data. An error is detected in the received data (asserting a transmit error). When this occurs, receiving the data stops since there are errors present (deasserting a transmit enable). Following these steps, a request for retransmission is

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sent from the receiving apparatus. The data pattern of the request for retransmission will be known to all elements of the system. See column 1, lines 49-65 for details of the requirements for the request for retransmission to be sent. Data is transmitted throughout the system shown in figures 3-5. The transmission data has a address field as shown in figures 6A and 6B.

Regarding claim 10, the receiver will enter an idle state immediately after sending the request for retransmission since no data is to be received at this instant in time.

Regarding claims 18 and 19, Judd discloses the multiple paths from a transmitting node to a receiving node exist so a plurality of transmissions are sent (column 1, line 66 to column 2, line 8).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information**

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE" or for informal or draft communications, please label "PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 5:00 PM. The examiner can also be reached on alternate Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Kevin M. Burd  
PATENT EXAMINER  
September 4, 2002



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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 9/6/02